

## **4.11 CULTURAL RESOURCES**

### **4.11.1 Introduction**

This section describes potential impacts to cultural resources associated with the construction and operation of the proposed Project and connected actions and discusses potential mitigation measures that would avoid or minimize the potential impacts. The information, data, methods, and/or analyses used in this discussion are based on information provided in the 2011 Final Environmental Impact Statement (Final EIS) as well as new circumstances or information relevant to environmental concerns that have become available since the publication of the Final EIS, including the proposed reroute in Nebraska. The information that is provided here builds on the information provided in the Final EIS and in many instances replicates that information with relatively minor changes and updates. Other information is entirely new or substantially altered from that presented in the Final EIS. Specifically, the following items have been substantially updated from the 2011 document related to impacts to cultural resources:

- A new section, Section 4.11.2, Impact Assessment Methodology, was added to explain the assessment methodology used to evaluate potential cultural resources impacts associated with the proposed Project.
- An updated description is provided of the cultural resources impacted within the proposed Project. Specific to Nebraska, this section provides new information on cultural resources impacted within the previously unsurveyed, proposed reroute.

The proposed Project might affect cultural resources on or near the pipeline right-of-way (ROW) and in the locations of ancillary facilities (e.g., access roads, pump stations, and construction camps). This section describes the types of potential impacts, types of avoidance, and effect minimization measures, as well as potential mitigation measures for cultural resources. This section also provides a state-by-state breakdown of proposed Project effects to cultural resources and what measures are proposed to avoid, minimize, or mitigate adverse effects, to the extent practicable.

### **4.11.2 Impact Assessment Methodology**

To evaluate the potential impact on cultural resources, it is first necessary to evaluate the significance of the resources. Cultural resources are considered significant, in the context of National Environmental Policy Act and National Historic Preservation Act (NHPA) of 1986 discussions, if they appear to meet the criteria for listing in the National Register of Historic Places (NRHP). These criteria are discussed at length in Section 3.11.2.2, National Register of Historic Places. For each cultural resource identified within the Area of Potential Effect (APE), significance has been measured by applying these criteria. Each resource has been identified as either listed in the NRHP, eligible for NRHP listing, not eligible for NRHP listing, or unevaluated (the latter meaning that further information is required to determine potential NRHP eligibility). An important distinction must be made between sites within the actual footprint of the proposed Project and sites outside the actual construction footprint but within the APE. The APE includes a buffer to allow for minor route modifications, as described in Section 3.11.3.2, Area of Potential Effect, and sites within the APE but outside of the actual construction footprint may not be directly impacted by construction and operation of the proposed Project.

For significant or potentially significant cultural resources (those that are listed in the NRHP, those that are eligible for NRHP listing, and those that are unevaluated<sup>1</sup>), mitigation measures should be taken to avoid or minimize impacts, to the extent practicable. The following are available mitigation measures:

- Avoidance, which could be accomplished by shifting the proposed Project footprint away from the resource, by boring underneath/around the resource, by limiting activities in the vicinity of the resource, by monitoring construction activities near the resource, or by any combination of these techniques.
- Minimization, which would reduce to the extent possible the impact to the resource through avoidance measures as described above, but would not completely avoid the resource. Also, for historic structures, impacts to viewshed could be minimized by reducing the visibility of the proposed Project such as planting of trees as a visual barrier or through fencing.
- Mitigation, which, when impact to a resource could not be avoided, would offset that impact through some means such as protection of a similar resource nearby, detailed documentation of the resource through data recovery excavations in the case of archaeological sites or Historic American Buildings Survey/Historic American Engineering Record documentation in the case of historic structures, contributions to the preservation of cultural heritage in the affected community, interpretative exhibits highlighting information gained about cultural resources through the proposed Project, or some combination of these strategies.

Impacts to cultural resources have been assessed for NRHP-listed, NRHP-eligible, or unevaluated cultural resources by considering how effectively the impact to the resource is avoided, minimized, or mitigated, to the extent practicable.

### **4.11.3 NRHP Eligibility, Effects, and Mitigation**

The U.S. Department of State (the Department), consistent with Section 106 of the NHPA, where appropriate (as codified in Title 36 of the Code of Federal Regulations [CFR] Part 800.5), applies the *criteria of adverse effect* to determine whether a project would affect historic properties. Effects are found when an undertaking changes, directly or indirectly, the characteristics of a historic property that qualify it for inclusion in the NRHP, in a manner that diminishes the historical integrity of the property. Reasonably foreseeable effects caused by the undertaking may occur later in time, be distant, or be cumulative. Federal agencies confer with consulting parties when there are potential adverse effects. The consultation attempts to resolve adverse effects and develop mitigation measures as necessary. For the proposed Project, the following are the principal types of effects that could occur:

- Physical destruction or damage to all or part of the property caused by trenching or related excavations or boring;
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features by short-term construction of the proposed Project or construction and operation of aboveground appurtenant facilities and roads; and

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<sup>1</sup> Cultural resources that are considered "unevaluated" have not been sufficiently assessed at this time to finalize an eligibility determination for the NRHP. These sites must either be further assessed through NRHP evaluation procedures or would be treated by the Department as a historic property and avoidance or mitigation plans would be developed.

- Change of the character of the property's use or of physical features within the property's setting that contribute to its significance.

Historic properties under Section 106 of the NHPA are determined eligible by the lead federal agency in consultation with the applicable land managing agency (e.g., the Bureau of Land Management) and the State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO). A Programmatic Agreement (PA) has been prepared in order to provide a process for the Department and the Section 106 consulting parties to implement the avoidance or mitigation of adverse effects on historic properties, to the extent practicable. When the Final EIS route was revised to the proposed Project route, the status of the Final EIS PA was undetermined. The Department is actively consulting with the Final EIS PA signatory agencies and Native American tribes. For those historic properties where avoidance is not possible, a Treatment Plan would be prepared consistent with the stipulations of the PA. Cultural resources that are considered *pending* have not been sufficiently assessed at this time to finalize an eligibility determination for the NRHP. These sites must either be further assessed through NRHP evaluation procedures or would be treated by the Department as a historic property and mitigation plans would be developed.

Avoidance could be achieved by moving the proposed Project corridor or the location of proposed Project facilities. Avoidance could also be achieved by keeping construction activities away from NRHP-eligible properties, limiting the effect to existing demonstrated disturbance areas, or avoiding the cultural resources by boring or horizontal directional drilling.

If the Project could not avoid a particular cultural resource, the Department would consult with the Advisory Council on Historic Preservation, SHPOs, consulting Native American tribes, and other federal and state consulting parties to determine those measures to be implemented by TransCanada Keystone Pipeline, LP (Keystone) to minimize and mitigate adverse effects on affected historic properties identified in the APE. If, after consultation, the Department determines that the adverse effect could not be avoided, Keystone would draft a comprehensive Treatment Plan for each adversely affected historic property. The Treatment Plan would describe the measures to minimize and mitigate the adverse effect of proposed Project construction activities on historic properties, the manner in which these measures would be carried out, and a schedule for their implementation.

Keystone would submit the draft Treatment Plan at least 30 days prior to construction commencing in the area. Keystone would address timely comments and recommendations submitted by the Advisory Council on Historic Preservation, SHPOs, consulting Native American tribes, and other federal and state consulting parties in preparation of the Final Treatment Plan. Once it addressed all of the timely comments and recommendations, Keystone would submit the Final Treatment Plan to the Department for review and approval. Once the Department approves the Final Treatment Plan, mitigation would be conducted prior to construction following the Final Treatment Plan and the protocols outlined in the PA.

#### **4.11.4 Types of Potential Impacts**

The potential to impact cultural resources depends on the different stages and the types of development and use of the proposed Project. Discussion of potential impacts during the proposed construction and operations phases follows.

#### **4.11.4.1 Construction**

Construction of the proposed pipeline could involve various cultural resources impacts, including the following:

- Possible direct damage to cultural resources within the construction footprint;
- Possible indirect damage to cultural resources through vibrations caused by earthmoving and heavy equipment;
- Temporary loss of community access to cultural resources, such as traditional cultural properties, during construction;
- Potential visual impacts to cultural resources during construction while heavy equipment and numerous personnel are present;
- Increased dust and noise, potentially impacting historic structures or traditional cultural properties near the construction area; and
- Unanticipated discovery of previously unknown cultural resources within the construction footprint.

The duration of the construction phase would affect the degree of cultural resources impact. Indirect potential impacts during proposed construction such as noise, dust, vibrations, heavy equipment traffic, and changes in viewshed would be temporary, and would be expected to last for the duration of construction in specific areas for discrete periods of time.

Given the temporary nature of construction and use of the ancillary facilities, such as pipe and contractor yards, no permanent adverse effects to cultural resources, specifically historic structures, are anticipated. Potential temporary effects could include visual effects from the stacked pipe, noise effects associated with loading and unloading pipe from trucks, dust from the contractor yard surface, and increased truck traffic to and from the contractor yard. The low-rise of stacked pipe and vehicle equipment would have a minimal effect on the viewshed. Noise associated with these ancillary facilities generally would be intermittent and limited to daytime hours, when higher noise thresholds are permitted by federal agencies; therefore, noise was not expected to be significant factor in the development of the APE. Similarly, any increase in traffic, noise, or dust associated with truck traffic, in regards to cultural resources, would be intermittent and temporary, and should be limited.

Direct impacts, such as unanticipated discovery of previously unknown cultural resources during construction, could have a permanent impact on that resource. The various components of the proposed Project under construction would not have appreciably different potential cultural resources impacts.

#### **4.11.4.2 Operations**

During operation of the proposed Project, only previously disturbed areas would be expected to require periodic disturbance; therefore, the potential for additional direct impacts to cultural resources would be very limited.

Indirect impacts during operations could consist of a permanent change in viewshed to historic structures near permanent ancillary facilities, such as pump stations and mainline valves, and a periodic increase in noise, vibration, and dust created by pump stations or vehicular traffic

conducting operation and maintenance activities. Given the nature, location, and setting of permanent ancillary facilities, however, these facilities are unlikely to visually impact the setting and feeling of historic structures, due to their distance, their low-lying nature, and the various vegetative and topographic elements of the landscape in such areas. Similarly, periodic increase in noise, vibration, and dust created by ancillary facilities or vehicular traffic conducting operation and maintenance activities would not be expected to cause any adverse effects to such cultural resources.

#### **4.11.5 Potential Impacts to Identified Cultural Resources**

The proposed Project route was designed to avoid disturbing historic properties to the maximum extent possible. Since significance for cultural resources is determined by a resource's eligibility for inclusion in the NRHP, cultural resources that have been determined not eligible, and thereby not "historic properties," are not evaluated for proposed Project impacts. Additionally, the NRHP status of some cultural resources remains undetermined, and surveying in much of the proposed Project area is ongoing. For all cultural resources listed in the NRHP, considered to be eligible for the listing in the NRHP, or those that are unevaluated, avoidance would continue to be the preferred mitigation strategy. To mitigate potential impacts, Keystone has committed, whenever feasible, to avoid known cultural resources, minimize impacts when avoidance is not possible, and mitigate impacts when minimization is not sufficient. In addition, the proposed Project plans to implement Unanticipated Discovery Plans, to ensure minimization of impacts to unknown cultural resources that may be inadvertently encountered during construction or operation of the Project.

As outlined in Section 3.11, Cultural Resources, as of October 2012, 403 cultural resources have been identified within the proposed Project APE. After route modifications due to consultations with federal and state agencies, engineering refinements, and landowner discussions, 246 identified cultural resources are reported to be located within the APE but outside of the actual proposed construction footprint; these would not be directly impacted by construction and operation of the proposed Project. Of the 403 identified cultural resources, 157 are reported to be located within the actual proposed Project construction footprint and are the basis of the discussions concerning potential impacts below. The specific actions proposed for individual known sites are described in the following state-specific sections and tables.

##### **4.11.5.1 Montana**

As of October 2012, of the 148 cultural resources identified in the Montana Project APE, 70 cultural resources have been identified within the actual proposed Project construction footprint in Montana. Of these 70 cultural resources, 10 are recorded as eligible for inclusion in the NRHP and 38 are unevaluated. Avoidance is recommended for all eligible and unevaluated sites, to the extent practicable. By avoiding these sites, the proposed Project would have no effect on these historic properties. The remaining 22 cultural resources are recorded as not eligible for inclusion in the NRHP and impacts are not considered here. Of the 48 cultural resources that are recorded as eligible for inclusion in the NRHP, or are unevaluated, the proposed Project would have no effect on 37 cultural resources due to avoidance by route modification, narrowing of the ROW, boring, fencing/restricted access, or another approved avoidance method. Eleven sites are still pending further analysis and review and may be eligible for inclusion in the NRHP. The Department will continue to consult with state and federal agencies and Native American tribes

about the significance of the sites and would work to avoid to the extent practicable adverse effects to the resources. If impacts to sites could not be avoided, further evaluation of their NRHP eligibility may not be required. The recommendations of eligibility by Keystone's consultants, determinations of eligibility by the Department, recommended mitigation actions by Keystone, and concurrences from SHPO are shown in Table 4.11-1.

**Table 4.11-1 Cultural Resources within the Project Construction Footprint of Montana**

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by Department	Action Recommended by Applicant	Montana SHPO/THPO Concurrence with Department Findings
C57DA001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C57DA008	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C277DA002	Precontact isolate	Not Eligible	Pending	No Further Work	Pending
24DE0555	Historic berm	Not Eligible	Pending	No Further Work	Pending
24DW0289 (five segments)	Previously recorded Historic canal	Eligible	Eligible	Avoidance with bore	Pending
24DW0419 (two segments)	Previously recorded Historic railroad	Eligible	Eligible	Avoidance with bore	Pending
24DW0426 (four segments)	Previously recorded Historic railroad	Eligible	Eligible	Avoidance with bore	Pending
24DW0524	Historic transportation corridor	Not Eligible	Not Eligible	No Further Work	Concur
24DW0530	Historic homestead	Not Eligible	Not Eligible	No Further Work	Concur
24DW0531	Historic homestead	Not Eligible	Not Eligible	Avoidance	Concur
24DW055*	Pending	Not Eligible	Pending	No Further Work	Pending
24DW0553	Historic road	Not Eligible	Not Eligible	No Further Work	Concur
C711DW001	Pending	Unevaluated	Pending	Pending	Pending
C711DW005	Pending	Unevaluated	Pending	Pending	Pending
C711DW006	Pending	Unevaluated	Pending	Pending	Pending
24FA0382	Previously recorded Historic railroad	Eligible	Eligible	Avoidance with bore	Pending
24FA0750	Precontact lithic scatter and possible pronghorn processing locale	Unevaluated	Pending	Avoidance	Pending
24FA0751	Historic debris scatter	Not Eligible	Not Eligible	No Further Work	Concur

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by Department</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with Department Findings</b>
24FA076*	Pending	Not Eligible	Pending	No Further Work	Pending
C58FA001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C58FA004	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C711FA001	Pending	Unevaluated	Pending	Pending	Pending
24MC0485	Precontact open camp	Eligible	Pending	Avoidance, fence, and monitor	Pending
24MC0486	Precontact open camp	Eligible	Pending	Avoidance, fence, and monitor	Pending
24MC0628	Historic farmstead	Unevaluated	Pending	Artifact movement, fence, and monitor	Pending
C001MC003	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C54MC001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C56MC007	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C277MC001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C700MC001	Pending	Unevaluated	Pending	Pending	Pending
C711MC002	Precontact isolate	Unevaluated	Pending	Pending	Pending
C711MC003	Pending	Unevaluated	Pending	Pending	Pending
24PE0723	Historic ranch complex	Unevaluated	Pending	Avoidance, fence, and monitor	Pending
24PH0037	Previously recorded undated stone cairn and depression	Potentially Eligible	Pending	Avoidance	Pending
24PH1805	Previously recorded Historic homestead	Unevaluated	Pending	Avoidance, fence, and monitor	Pending
24PH4267	Historic farmstead	Eligible	Eligible	Avoidance, fence, and monitor	Concur
24PH4372	Precontact stone feature	Potentially Eligible	Pending	Avoidance	Pending
C001PR002	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C54VA008	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur

					<b>Montana SHPO/ THPO Concurrence with Department Findings</b>
<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by Department</b>	<b>Action Recommended by Applicant</b>	
C55VA013	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C512VA002	Historic Isolate	Not Eligible	Pending	No Further Work	Pending
C711VA004	Pending	Unevaluated	Pending	Pending	Pending
C711VA008	Precontact isolate	Unevaluated	Pending	Pending	Pending
C711VA010	Pending	Unevaluated	Pending	Pending	Pending
C711VA014	Pending	Unevaluated	Pending	Pending	Pending
24VL0099 (nine segments)	Previously recorded historic railroad	Eligible, contributing segment	Eligible	Avoidance with bore	Pending
24VL0938	Previously recorded precontact stone circle	Unevaluated	Pending	Avoidance	Pending
24VL0962	Previously recorded precontact /historic stone feature site, lithic scatter, historic artifact scatter	Potentially Eligible	Pending	Avoidance	Pending
24VL0972	Previously recorded precontact /historic stone circle and cairn, historic fence line	Potentially Eligible	Pending	Avoidance	Pending
24VL0979	Historic homestead	Eligible	Eligible	Avoidance	Concur
24VL1194	Previously recorded historic canal	Eligible	Eligible	Avoidance with bore	Concur
24VL1269/ 24VL1274	Previously recorded precontact stone circle	Potentially Eligible	Pending	Avoidance	Pending
24VL1628 (two segments)	Previously recorded historic railroad	Eligible, Non- contributing segment	Eligible	No Further Work	Concur
24VL1889	Historic canal	Not Eligible	Not Eligible	Avoidance	Concur
24VL1890	Historic artifact scatter	Not Eligible	Not Eligible	No Further Work	Concur
24VL1892	Historic artifact scatter	Not Eligible	Not Eligible	No Further Work	Concur
24VL1901	Historic fence line and associated debris	Not Eligible	Not Eligible	No Further Work	Concur
24VL1919	Precontact stone circle	Potentially Eligible	Pending	Avoidance	Pending
24VL1933	Precontact stone circle	Potentially Eligible	Pending	Avoidance, fence, and monitor	Pending



					Montana SHPO/ THPO Concurrence with Department Findings
Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by Department	Action Recommended by Applicant	
24VL1936	Precontact stone feature	Potentially Eligible	Pending	Avoidance, fence, and monitor	Pending
24VL1938	Historic ranch complex	Unevaluated	Pending	Avoidance	Pending
24VL1940	Historic farmstead	Unevaluated	Pending	Avoidance	Pending
24VL1942	Historic artifact scatter/precontact stone circle	Potentially Eligible	Pending	Avoidance	Pending
24VL1965	Precontact stone circle	Unevaluated	Pending	Avoidance	Pending
24VL1968	Precontact stone circle	Unevaluated	Pending	Avoidance	Pending
24VL1969	Historic stone alignment	Not Eligible	Not Eligible	Avoidance	Concur
24VL1972	Historic ditch	Not Eligible	Not Eligible	No Further Work	Concur
24VL1985	Historic road grade	Not Eligible	Pending	No Further Work	Pending
24VL1991	Saint Marie/ Glasgow Air Force Base	Eligible	Pending	Avoidance, fence, and monitor	Pending
Lewis and Clark National Historic Trail	Historic trail	Eligible	Eligible	Avoidance, monitor	Pending

Additional cultural resources surveys in Montana for the proposed Project corridor and access roads are ongoing. These reports will be reviewed by the Department and then forwarded to the applicable consulting parties consistent with 36 CFR 800. NRHP assessments and any resulting avoidance or mitigation plans will be reviewed by the Department and the consulting parties to evaluate the submitted information, following the protocols outlined in the PA developed for the proposed Project.

#### 4.11.5.2 South Dakota

As of October 2012, of the 137 cultural resources identified in the South Dakota Project APE, 40 cultural resources have been identified within the actual proposed Project construction footprint in South Dakota. Of these 40 cultural resources, one is recorded as eligible for inclusion in the NRHP and 20 are unevaluated. Avoidance is recommended for all eligible and unevaluated sites, to the extent practicable. By avoiding these sites, the proposed Project would have no effect on these historic properties. The remaining 19 cultural resources are recorded as not eligible for inclusion in the NRHP and impacts are not considered here. Of the 21 cultural resources that are recorded as eligible for inclusion in the NRHP or are unevaluated, the proposed Project would have no effect on three cultural resources due to avoidance by route modification or boring. Eighteen sites are still pending further analysis and review and may be

eligible for inclusion in the NRHP. The Department will continue to consult with state and federal agencies and Native American tribes about the significance of the sites and would work to avoid to the extent practicable adverse effects to the resources. If impacts to sites could not be avoided, further evaluation of their NRHP eligibility may not be required.

The recommendations of eligibility by Keystone's consultants, determinations of eligibility by the Department, recommended mitigation actions by Keystone, and concurrences from SHPO are shown in Table 4.11-2.

**Table 4.11-2 Cultural Resources within the Project Construction Footprint of South Dakota**

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by Department	Action Recommended by Applicant	South Dakota SHPO/THPO Concurrence with Department Finding
C710HA001	Historic can scatter	Unevaluated	Pending	Pending	Pending
C710HA003	Precontact isolate	Unevaluated	Pending	Pending	Pending
C710HA004	Precontact isolate	Unevaluated	Pending	Pending	Pending
C710HA005	Precontact site	Unevaluated	Pending	Pending	Pending
C710HA009	Precontact site	Unevaluated	Pending	Pending	Pending
C710HA010	European-American rock art	Unevaluated	Pending	Pending	Pending
C710HA011	Historic irrigation system	Unevaluated	Pending	Pending	Pending
C710HA013	Pending	Unevaluated	Pending	Pending	Pending
C710HA014	Precontact isolate	Unevaluated	Pending	Pending	Pending
C710HA015	Fire-cracked rock	Unevaluated	Pending	Pending	Pending
C710HA016	Precontact isolate	Unevaluated	Pending	Pending	Pending
39HK0144	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39HK2257	Historic road and artifact scatter	Not Eligible	Pending	No further work	Pending
39HN003	Homestead	Unevaluated	Pending	Avoidance	Pending
39HN1082	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1129	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1134	Historic rock art	Not Eligible	Not Eligible	No further work	Concur

					<b>South Dakota SHPO/THPO Concurrence with Department Finding</b>
<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by Department</b>	<b>Action Recommended by Applicant</b>	
39HN1143	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39HN1145	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39HN1157	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1158	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1159	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1160	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1174	Precontact isolate	Not Eligible	Pending	No further work	Pending
39JN0052	Historic trash dump	Not Eligible	Not Eligible	No further work	Concur
39JN0064	Historic artifact scatter	Not Eligible	Pending	No further work	Pending
39JN2007	Previously recorded historic railroad	Eligible	Eligible	Avoidance by bore	Concur
C710JO001	Pending	Unevaluated	Pending	Pending	Pending
39LM009	Historic farmstead	Unevaluated	Pending	Avoidance	Pending
39MD000*	Pending	Unevaluated	Pending	Pending	Pending
39MD0894	Historic trash dump	Not Eligible	Pending	No further work	Pending
39PE0399	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39PE0405	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39PE0406	Historic depression and glass scatter	Not Eligible	Not Eligible	No further work	Concur
C710PE001	Precontact site	Unevaluated	Pending	Pending	Pending
39TP0056	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39TP0059	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39TP0060	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39TP0061	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39TP0062	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur

Additional cultural resources surveys in South Dakota for the proposed Project corridor and access roads are ongoing. These reports will be reviewed by the Department and then forwarded to the applicable consulting parties consistent with 36 CFR 800. NRHP assessments and any resulting avoidance or mitigation plans will be reviewed by the Department and the consulting parties to evaluate the submitted information, following the protocols outlined in the PA developed for the proposed Project.

#### 4.11.5.3 Nebraska

As of October 2012, of the 118 cultural resources identified in the Nebraska Project APE, 47 cultural resources have been identified within the actual proposed Project construction footprint in Nebraska. Of these 47 cultural resources, none are eligible for inclusion in the NRHP and seven are unevaluated. Avoidance is recommended for all unevaluated sites, to the extent practicable. By avoiding these sites, the proposed Project would have no effect on these historic properties. The remaining 40 cultural resources are recorded as not eligible for inclusion in the NRHP and impacts are not considered here. Of the seven cultural resources that are unevaluated, the proposed Project would have no effect on all seven cultural resources due to avoidance by route modification or an approved mitigation measure. The Department will continue to consult with state and federal agencies and Native American tribes about the significance of the sites and would work to avoid to the extent practicable adverse effects to the resources. If impacts to sites could not be avoided, further evaluation of their NRHP eligibility may not be required. The recommendations of eligibility by Keystone's consultants, determinations of eligibility by the Department, recommended mitigation actions by Keystone, and concurrences from SHPO are shown in Table 4.11-3.

**Table 4.11-3 Cultural Resources within the Project Construction Footprint of Nebraska**

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by Department	Action Recommended by Applicant	Nebraska SHPO/THPO Concurrence with Department Finding
25AP74	Precontact limited activity site	Not Eligible	Pending	No further work	Pending
25AP75	Historic farmstead; precontact isolate	Not Eligible	Pending	No further work	Pending
25AP78	Historic dump	Not Eligible	Pending	No further work	Pending
25AP79	Historic farmstead with outbuilding	Not Eligible	Pending	No further work	Pending
25AP83	Historic farmstead	Not Eligible	Pending	No further work	Pending
25AP84	Historic dump	Not Eligible	Pending	No further work	Pending
25AP88	Precontact field camp	Not Eligible	Pending	No further work	Pending

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by Department	Action Recommended by Applicant	Nebraska SHPO/THPO Concurrence with Department Finding
25AP89	Precontact camp; unidentified historic	Potentially Eligible	Pending	Avoidance or Evaluative Testing	Pending
25AP90	Historic dump	Not Eligible	Pending	No further work	Pending
25AP93	Historic farmstead	Not Eligible	Pending	No further work	Pending
25AP94	Historic farmstead	Potentially Eligible	Pending	Avoidance or Evaluative Testing	Pending
25BO60	Historic farmstead	Not Eligible	Pending	No further work	Pending
25BO61	Historic farmstead	Potentially Eligible	Pending	Avoidance or Evaluative Testing	Pending
25BO63	Historic farmstead	Not Eligible	Pending	No further work	Pending
25BO64	Historic farmstead	Not Eligible	Pending	No further work	Pending
25BO65	Historic farmstead	Not Eligible	Pending	No further work	Pending
25BO67	Historic farmstead	Not Eligible	Pending	No further work	Pending
25FM23	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25FM24	Active railroad	Not Eligible	Not Eligible	No further work	Concur
25FM27	Precontact limited activity site	Not Eligible	Not Eligible	No further work	Concur
25HT62	Historic farmstead with outbuilding	Not Eligible	Pending	No further work	Pending
25JF45	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25JF46	Active railroad	Not Eligible	Not Eligible	No further work	Concur
25JF47	Historic railroad bed	Not Eligible	Not Eligible	No further work	Concur
25JF48	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25JF49	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25JF50	Historic railroad bed	Not Eligible	Not Eligible	No further work	Concur
25SA87	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25SA89	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25SA90	Historic farmstead	Not Eligible	Pending	Pending	Pending

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by Department	Action Recommended by Applicant	Nebraska SHPO/THPO Concurrence with Department Finding
25YK20	Historic railroad	Not Eligible	Not Eligible	No further work	Concur
25YK24	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25YK25	Historic railroad bed	Not Eligible	Not Eligible	No further work	Concur
25YK28	Precontact field camp	Not Eligible	Not Eligible	No further work	Concur
25YK30	Historic farm outbuilding/ activity area	Not Eligible	Not Eligible	No further work	Concur
25YK31	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25YK33	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
C501BO003	Historic trail	Not Eligible	Pending	No further work	Pending
C502AT005FS	Precontact isolate	Not Eligible	Pending	No further work	Pending
C502NA005FS	Historic isolate	Not Eligible	Pending	No further work	Pending
C502NA017	Historic artifacts	Not Eligible	Pending	No further work	Pending
C504AT005FS	Precontact isolate	Not Eligible	Pending	No further work	Pending
C504AT007AT	Historic trail	Not Eligible	Pending	No further work	Pending
California National Historic Trail	Historic trail	Unevaluated	Pending	Avoidance, Monitor	Pending
Mormon National Historic Trails	Historic trail	Unevaluated	Pending	Avoidance, Monitor	Pending
Oregon National Historic Trail	Historic trail	Unevaluated	Pending	Avoidance, Monitor	Pending
Pony Express National Historic Trail	Historic trail	Unevaluated	Pending	Avoidance, Monitor	Pending

Additional cultural resources surveys in Nebraska for the proposed Project corridor and access roads are ongoing. These reports will be reviewed by the Department and then forwarded to the applicable consulting parties consistent with 36 CFR 800. NRHP assessments and any resulting avoidance or mitigation plans will be reviewed by the Department and the consulting parties to evaluate the submitted information, following the protocols outlined in the PA developed for the proposed Project.

#### **4.11.5.4 North Dakota**

No historic properties have been identified within the construction footprint of the ancillary facility in North Dakota. If additional workspaces are required in North Dakota, cultural resources surveys would be required and resulting reports would be reviewed by the Department and then forwarded to the applicable consulting parties consistent with 36 CFR 800. NRHP assessments and any resulting avoidance or mitigation plans would be reviewed by the Department and the consulting parties to evaluate the submitted information, following the protocols outlined in the PA developed for the proposed Project.

#### **4.11.5.5 Kansas**

No historic properties have been identified within the construction footprint of the pump stations in Kansas. If additional workspaces are required in Kansas, cultural resources surveys would be required and resulting reports would be reviewed by the Department and then forwarded to the applicable consulting parties consistent with 36 CFR 800. NRHP assessments and any resulting avoidance or mitigation plans would be reviewed by the Department and the consulting parties to evaluate the submitted information, following the protocols outlined in the PA developed for the proposed Project.

### **4.11.6 Recommended Additional Mitigation**

Should any unanticipated discoveries of cultural resources be made during construction or operation of the proposed Project, the terms of the Unanticipated Discovery Plans should be followed. Should a cultural resource discovered in this fashion appear to be significant, appropriate additional mitigation measures would be considered, as feasible and appropriate, consistent with the terms of the PA once finalized.

### **4.11.7 Connected Actions**

#### **4.11.7.1 Bakken Marketlink Project**

A cultural resources survey of the proposed Bakken Marketlink Project in Montana has been completed. Additionally, due to previous disturbance, no cultural resources survey was needed for the proposed Bakken Marketlink Project in Oklahoma. The authorization and permit applications for this proposed connected action would be reviewed and acted on by other federal and state agencies. Potential impacts to cultural resources from the proposed Bakken Marketlink Project would be evaluated and avoided, minimized, or mitigated, to the extent practicable, in accordance with applicable regulations during the environmental review for this proposed connected action.

#### **4.11.7.2 Big Bend to Witten 230-kV Transmission Line**

Cultural resources surveys for the proposed Big Bend to Witten 230-kV Transmission Line Project have yet to be performed. The authorization and permit applications for this proposed connected action will be reviewed and acted on by RUS, as lead federal agency, and other federal and state agencies. Those agencies may conduct more detailed cultural resources reviews of this proposed connected action. The potential impacts associated with the proposed Big Bend to Witten 230-kV Transmission Line Project are likely to be similar to those for the proposed

Project pump station and pipeline construction ROW near this area. Potential impacts to cultural resources from this proposed connected action would be evaluated and avoided, minimized, or mitigated, to the extent practicable, in accordance with applicable regulations during the environmental review for this proposed connected action. Additionally, RUS would lead the effort for the potential development of a separate PA between RUS; BLM; USACE; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; and the project applicant, Basin Electric Power Cooperative. This would ensure that identification, evaluation, and mitigation of historic properties would occur prior to construction of these connected actions.

#### ***4.11.7.3 Electrical Distribution Lines and Substations***

Cultural resources surveys for electrical distribution lines and substations have not been performed. The authorization and permit applications for this proposed connected action may be reviewed and acted on by RUS and other federal and state agencies, as appropriate. Those agencies may conduct more detailed cultural resources reviews of this proposed connected action. The potential impacts associated with the proposed electrical distribution line and substations are likely to be similar to those for the proposed Project pump station and pipeline construction ROW near this area. The authorization and permit applications for this proposed connected action would be reviewed and acted on by other federal and state agencies. Those agencies may conduct more detailed cultural resources reviews of the proposed electrical distribution line and substations. Potential impacts to cultural resources from the proposed electrical distribution line and substations would be evaluated and avoided, minimized, or mitigated, to the extent practicable, in accordance with applicable regulations during the environmental review for this proposed connected action.